IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

GUARDIANSHIP PETITION NO.13 OF 2006

Prabha Tapendra Singh Petitioner

Mr.Rishabh Shah with Mr.Dilip Rai i/by Raval Shah & Co. for petitioner.

Mr.V.L.Indulkar, Accounts Officer, High Court present.

CORAM : S.C.DHARMADHIKARI, J.

DATE : 13th April 2006

PC :

1. This petition is for appointment of petitioner as Guardian of the person and property of minor Sushmita Tapendra Singh. The petitioner is the mother of minor. The father of minor Tapendra Singh has granted his consent for the petitioner being appointed as Guardian as also for the petitioner taking steps to dispose of the immovable property more particularly described in paragraph 10 of this petition.

2. The minor along with the petitioner and her cousin brother Nilendra Deependra Singh is the co-owner of these immovable properties.

3. The purpose for which the appointment is sought and the sale is proposed, is set out in the petition. It is pointed out that for the further and higher education of the minors, both, the petitioner as well as her husband, desire that their 50% right, title and interest in the immovable property be disposed of and with the funds so raised, all expenses of higher education including that of the boarding school etc. can be disbursed. The father is required to travel and he has given his consent affidavit.

4. The Accounts Officer of this Court was directed by me to verify and scrutinize the documents of title with regard to the immovable property. He has submitted his report after scrutiny and verification of the original documents and it is certified that the Gift Deeds and Deeds of Confirmation are evidencing the fact that 50% share has been given to the minors. The report dated 10th April 2006 is taken on record.

5. Upon a perusal of the report as also the petition, in my view, it would be in the interest of the minors that the property is put up for sale by their mother who is the natural guardian.

The reasons set out do not lack any bona fides and appear to be genuine and well founded. However, protection will have to be given and it will not be permissible for the petitioner to deal with and dispose of the proceeds from the sale straight way. The sale proceeds should be deposited in this Court with the Accounts Officer. He shall thereafter invest the same in appropriate fixed deposits and from the income/interest accruing therefrom, it would be open for the petitioner to meet the necessary expenses. So also, in case she desires that from the corpus some amount should be released, it would be open for her to request this Court in that behalf by placing all necessary details on affidavit annexing thereto the relevant documents.

6. The petition is made absolute in terms of prayer clauses (a) and (b). However, the petitioner is directed to deposit the amount/sale proceeds with the Accounts Officer of this Court. The Accounts Officer to act in terms of above order. All concerned to act on an authenticated copy of this order issued by Registry.

7. Needless to state that it would be open for

the petitioner and/or minors upon attaining majority, to apply for the amounts being released in their favour and such application would be considered on it’s own merit and in accordance with law.

(S.C.DHARMADHIKARI, J.)